

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 1:23-cv-10365 (LJL)

Case No. 1:24-cv-01644 (LJL)

Case No. 1:24-cv-00367 (LJL)

Case No. 1:24-cv-04111 (LJL)

MICHAEL MULGREW, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

**NOTICE OF OMNIBUS MOTION
TO DISMISS THE
CONSTITUTIONAL CLAIMS BY
THE METROPOLITAN
TRANSPORTATION AUTHORITY,
THE TRIBOROUGH BRIDGE AND
TUNNEL AUTHORITY, THE
TRAFFIC MOBILITY REVIEW
BOARD, THE NEW YORK CITY
DEPARTMENT OF
TRANSPORTATION, AND
WILLIAM J. CARRY**

NEW YORKERS AGAINST
CONGESTION PRICING TAX, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

ORAL ARGUMENT REQUESTED

TRUCKING ASSOCIATION OF NEW
YORK,

Plaintiff,

v.

METROPOLITAN TRANSPORTATION
AUTHORITY, *et al.*,

Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants the Metropolitan Transportation Authority, the Triborough Bridge and Tunnel Authority, the Traffic Mobility Review Board (“TMRB”), the New York City Department of Transportation (“NYCDOT”), and William J. Carry in his official capacity as Assistant Commissioner for Policy for the NYCDOT’s Omnibus Motion to Dismiss the Constitutional Claims and all other papers and proceedings herein, Defendants, by and through their counsel, will move this Court before the Honorable Lewis J. Liman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Counts Four, Five, and Six in *Chan v. United States Department of Transportation*, No. 23 Civ. 10365; Counts Four, Five, and Six in *Mulgrew v. United States Department of Transportation*, No. 24 Civ. 1644; Count Five and, in all events, the TMRB as a Defendant in connection with Count Five, in *New Yorkers Against Congestion Pricing Tax v. United States Department of Transportation*, No. 24 Civ. 367; and Counts One, Two, and Three in *Trucking Association of New York v. Metropolitan Transportation Authority*, No. 24 Civ. 4111.

Dated: September 30, 2024
New York, New York

Respectfully submitted,

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Carry in his official capacity as Assistant
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